

EXHIBIT 11

1 Volume I

Pages: 1 - 242

2 Exhibits: 1 - 27

3 UNITED STATES DISTRICT COURT

4 DISTRICT OF MASSACHUSETTS

5 No. 04-CV-11948-RGS

6 SEYED MOHSEN HOSSEINI-SEDEHY,

7 Plaintiff

8 vs.

9 ERIN T. WITHINGTON and the CITY

10 OF BOSTON,

11 Defendants

12
13 DEPOSITION OF ERIN T. WITHINGTON

14 Thursday, March 31, 2005

15 10:00 a.m. - 4:32 p.m.

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24 Reporter: Cynthia C. Henderson/RPR

42 (Pages 162 to 165)

Erin T. Withington - March 31, 2005

<p>162</p> <p>1 A. Yes.</p> <p>2 Q. If there are new allegations that have been</p> <p>3 made after you had spoken with a suspect, what you</p> <p>4 want to do is actually get that suspect in a room</p> <p>5 and talk to him or her about those allegations,</p> <p>6 don't you?</p> <p>7 A. Or I can end it, not let him have contact</p> <p>8 with him, put an end to it and arrest the suspect.</p> <p>9 Q. And it was easier in this case to just put</p> <p>10 an end to this investigation; correct?</p> <p>11 MS. AMBARIK: Objection. You can</p> <p>12 answer.</p> <p>13 A. Yes.</p> <p>14 Q. Did you ever seek out fresh complaint</p> <p>15 witnesses?</p> <p>16 A. No.</p> <p>17 Q. Why not?</p> <p>18 A. Mr. Bavis stated he talked to a number of</p> <p>19 people and he wasn't sure who the first person he</p> <p>20 talked to was.</p> <p>21 Q. Who did he say he talked to first?</p> <p>22 A. He wasn't sure.</p> <p>23 Q. Did you say give you the names of the</p> <p>24 people you did speak with?</p>	<p>164</p> <p>1 investigation?</p> <p>2 A. Of other victims or witnesses?</p> <p>3 Q. Other witnesses. Did I say victim? Other</p> <p>4 witnesses.</p> <p>5 A. No. I didn't think it was significant</p> <p>6 because Mr. Bavis was giving them to me more as</p> <p>7 other victims than other witnesses, saying it had</p> <p>8 happened to them as well.</p> <p>9 Q. But if you in fact had other "victims,"</p> <p>10 that would be additional evidence in your</p> <p>11 investigation of the Bavis allegations, would it</p> <p>12 not?</p> <p>13 A. Yes.</p> <p>14 Q. And you chose not to press Mr. Bavis for</p> <p>15 those names; correct?</p> <p>16 A. Mr. Bavis can't report for someone else,</p> <p>17 so, yes.</p> <p>18 Q. Actually, there is no requirement</p> <p>19 that or there is no prohibition of a person giving</p> <p>20 you the names of other victims, is there?</p> <p>21 A. No. We don't take their private reports in</p> <p>22 sexual assault. It has to come from the victims</p> <p>23 themselves.</p> <p>24 Q. Is that a policy that the Boston police</p>
<p>163</p> <p>1 A. He spoke with Mr. Perry.</p> <p>2 Q. Joe Perry?</p> <p>3 A. Yes.</p> <p>4 Q. And the other names?</p> <p>5 A. He stated that this had occurred to a lot</p> <p>6 of them, so a lot of them had talked amongst</p> <p>7 themselves about things that had occurred. Those</p> <p>8 were the other names that were supposed to have</p> <p>9 followed.</p> <p>10 Q. Your training as a criminal investigator</p> <p>11 would require you to at least ask for those names;</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. Did you do so?</p> <p>15 A. Yes.</p> <p>16 Q. What was the response you got?</p> <p>17 A. Well, "I don't know that they want to come</p> <p>18 forward and give you names and be part of the sexual</p> <p>19 assault, so why don't I talk to them," and I said,</p> <p>20 "Why don't you talk to them, give them my name and</p> <p>21 number and have them contact me."</p> <p>22 Q. Did the fact that Mr. Bavis refused to give</p> <p>23 you names of other potential witnesses, did you</p> <p>24 think that was significant in the course of your</p>	<p>165</p> <p>1 have dictated to you?</p> <p>2 MS. AMBARIK: Objection. You can</p> <p>3 answer.</p> <p>4 Q. I will rephrase that. Is that a policy</p> <p>5 that the Boston police have made you aware of?</p> <p>6 MS. AMBARIK: Objection. You can answer</p> <p>7 it.</p> <p>8 A. That is a policy at the Sexual</p> <p>9 Assault Unit, that the victim needs to be able to</p> <p>10 report for themselves.</p> <p>11 Q. Is it the policy of the Boston Police</p> <p>12 Department or the Sexual Assault Unit that an</p> <p>13 investigator is not to take the names of other</p> <p>14 potential witnesses or victims in an investigation?</p> <p>15 MS. AMBARIK: Objection. You can</p> <p>16 answer.</p> <p>17 A. No.</p> <p>18 Q. So back to Mr. Bavis, you made a decision</p> <p>19 not to ask Mr. Bavis a second time for those names</p> <p>20 of the alleged victims; correct?</p> <p>21 A. No. I asked him, and like he said to me,</p> <p>22 he didn't want to give me the names because he</p> <p>23 didn't know if they would want to be involved</p> <p>24 because of the fact that they are men and he didn't</p>